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August 21.,2024

Via ECF and Email

The Honorable Paul G. Gardephe
Senior United States District Judge
United States District Court
Southern
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED: The application is denied.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: August 23, 2024

Re: United States v. Guillermo Almacio Reyes, Abru Abdel De Los Santos
24Cr378(PGG)

Dear Judge Gardephe:

I represent Abru Abdel De Los Santos who is now scheduled to be sentenced by Your Honor on October 18th in connection with his plea of guilty to possessing with the intent to distribute less than 50 grams of cocaine-i.e. Count One of the above referenced Information. On September 12th at 3:00 PM his codefendant Mr. Reyes is schedule to be sentenced by your Honor in connection with his plea to Count One of the same Information. I respectfully request the Court reschedule Mr. De Los Santos' sentence to September 12 at 3:00 pm or for September 12 at a time convenient to the Court.

Mr. De Los Santos Federal Sentencing Guidelines Offense level is 12 , and with his Criminal History Category of I, his Guidelines range is 10-16 months . It is my understanding that Mr. Reyes faces the same Guideline range as Mr. De Los Santos.

Mr. De Los Santos has been detained since his arrest on February 16, 2024, a total of seven months if he is sentenced on September 12. He is a native of and a citizen of the Dominican Republic. He does not have status in the United States. As a result of his conviction for distributing cocaine, he will be removed to the Dominican Republic where his family eagerly awaits his return. I suggest there are numerous compelling reasons for this Court to grant a variance and to sentence Mr. De Los Santos to a sentence of time served.

Probation advised that the final Presentence Report will be filed on September 5. Assistant United States Attorney Jerry J. Fang consents to this request provided the Court agrees to the following briefing schedule: Defense Sentencing Memo to be filed on September 6th and the Government Sentencing Memo to be filed on September 9th.

Wherefore, I respectfully request the Court grant Mr. De Los Santos request to be sentence on September 12th and agree to the aforementioned briefing schedule.

Respectfully submitted,

/s/

Donna R. Newman

Cc: AUSA Jerry Fang

USPO John DePierri